### UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

STATE OF TEXAS, STATE OF LOUISIANA, STATE OF MISSISSIPPI, STATE OF UTAH, JEFFREY W. TORMEY, GUN OWNERS OF AMERICA, INC., GUN OWNERS FOUNDATION, TENNESSEE FIREARMS ASSOCIATION, and VIRGINIA CITIZENS DEFENSE LEAGUE, Plaintiffs, v.	<pre>\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$</pre>
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, UNITED STATES DEPARTMENT OF JUSTICE, MERRICK GARLAND, in his official capacity as Attorney General of the United States, and STEVEN M. DETTELBACH, in his official capacity as Director of ATF, Defendants.	

### PLAINTIFFS' MOTION FOR LEAVE TO FILE OUT OF TIME

Plaintiffs respectfully request that the Court grant them leave to file, *nunc pro tunc*, their Reply in Support of the Motion for Temporary Restraining Order and/or Preliminary Injunction. (Dkt. No. 37). In support of their request, Plaintiffs show:

Because of Final Rule's abbreviated effective date, the Parties agreed to an expedited briefing schedule, which the Court adopted. See Dkt No. 18. Under this schedule, Plaintiffs' reply brief was due at 5:00 pm May 15, 2024—exactly 24 hours after Defendants submitted their response.

- 2. Plaintiffs worked diligently to prepare, within the short turnaround, their 24-page Reply in Support of the Motion for Temporary Restraining Order and/or Preliminary Injunction. However, due to disruptions related to counsel traveling to Amarillo, Texas, for the May 16, 2024 hearing, the brief was filed at 5:33 pm.
- 3. Plaintiffs do not seek this extension of time for the purposes of delay. The reply was filed only 30 minutes after the deadline, so the Parties should still have time to read and prepare any arguments in advance of the hearing.
- 4. None of the Parties are prejudiced by the delay. *See* Pioneer Inv. Services Co. v. Brunswick Associates Ltd. P'ship, 507 U.S. 380, 397 (1993) ("[T]he lack of any prejudice to [other parties] or to the interests of efficient judicial administration, combined with the good faith of respondents and their counsel, weigh strongly in favor of permitting the tardy claim.").

Date: May 15, 2024

Respectfully submitted.

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### **CERTIFICATE OF CONFERENCE**

I hereby certify that on May 15, 2024, I conferred with counsel for Plaintiffs, via email regarding this Motion. Plaintiffs do not oppose the requested extension.

/s/ Garrett Greene Garrett Greene

#### **CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on May 15, 2024 and that all counsel of record were served by CM/ECF.

/s/ Garrett Greene Garrett Greene